

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TERESA HAYWARD,

Plaintiff,
v.

CASE NO. 14-14613
HON. MARIANNE O. BATTANI

COMMISSIONER
OF SOCIAL SECURITY,

Defendant.
_____ /

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Teresa Hayward brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying her application for benefits under the Social Security Act, 42 U.S.C. § 401 et seq. Plaintiff filed her claims on December 5, 2011, alleging disability as of April 1, 2011. After Plaintiff's claim was denied, she requested a hearing. Administrative Law Judge Donald D'Amato ("ALJ") presided over the March 11, 2013 hearing. In a decision dated May 17, 2013, the ALJ denied benefits.

On October 8, 2014, the Appeals Council denied Plaintiff's request for review of the ALJ's decision. Plaintiff timely filed this action for judicial review of the Commissioner's decision. The case was referred to Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636. The parties filed cross-motions for summary judgment. In his Report and Recommendation (R&R), Magistrate Judge Grand recommended that Plaintiff's Motion for Summary Judgment be denied and that Defendant's Motion for Summary Judgment be granted. The Magistrate Judge also Judge informed the parties that objections to the R&R

needed to be filed within “fourteen (14) days of service” and that a party’s failure to file objections would waive any further right of appeal. (Doc. No. 15 at 17). Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to *de novo* review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge’s recommendation, **DENIES** Plaintiff’s Motion for Summary Judgment, **GRANTS** Defendant’s Motion for Summary Judgment, and **AFFIRMS** the ALJ’s decision. Plaintiff’s Complaint is **DISMISSED** in its entirety.

IT IS SO ORDERED.

Date: November 30, 2015

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court’s ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on November 30, 2015.

s/ Kay Doaks
Case Manager